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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,067	08/17/2001	Jean-Claude Martin	Q65680	2591

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EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,067

Applicant(s)

MARTIN ET AL.

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/8-17-2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14 are pending in this office action.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2, is attached to the instant office action.

Claim Objections

3. Claim 1 is objected to because of the following informalities: Claim 1 recites the limitation "the steps". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 recites the limitation "the two-way transmission" and "the geographical location". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-7 and 10-12 are rejected under 35 U.S.C. 102(e) as being U.S. Patent No. 6,223,050 by Roberts.

Regarding claim 1, Roberts discloses a method for telephone communication between at least one portable object or remote timepiece (Figure 1, 152), which includes horological functions and a mobile telephone unit (see Abstract; column 7, lines 2-8), and a dedicated server or wireless switch (Figure 1, 24) for the two-way transmission of horological function data signals, wherein it includes steps of: connecting the mobile telephone unit of the portable object to a cellular telephone network, the connection to said network allowing the geographical location of the portable object to be located (as shown in Figure 1; column 5, line 24 – column 6, line 12); establishing a telephone link between the server and the portable object (column 6, lines 26-43); transmitting data signals between the server and the portable object for adjusting and/or updating the horological functions of the object; and correcting the horological functions of said object on the basis of the data signals which have been received and shaped (column 5, line 41 – column 6, line 25; column 7, lines 29-54; column 8, lines 12-23).

Regarding claim 2, the method according to claim 1, wherein Roberts further discloses once the telephone link is established between the server and the portable object, the server

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transmits signals for adjusting the local time, Internet time and/or date indicated by the portable object (column 8, lines 1-23).

Regarding claim 3, the method according to claim 2, wherein Roberts further discloses the portable object includes a microprocessor with a time-keeping circuit in which the time is indicated on a first display device, wherein the time of the first display is compared and corrected to an exact time provided by the server, and wherein a correction time difference between the time prior to correction and the exact time is transmitted to the server (column 7, line 29 – column 8, line 24).

Regarding claim 4, the method according to claim 3, wherein Roberts further discloses the server inherently stores all the correction time differences which it receives from the portable object during several telephone links spaced over time, and wherein it transmits to the object, on the basis of the stored and evaluated time differences, data signals as to the state of its horological functions or adjustment data signals for updating the time base of the time-keeping circuit of the microprocessor (column 7, line 29 – column 8, line 24).

Regarding claim 5, the method according to claim 4, wherein Roberts further discloses the data signals as to the state of the horological functions transmitted by the server are messages which are displayed on the first display device or on a second display device during the telephone link to inform the person wearing the portable object as to the state of the horological functions of said object (column 8, lines 37-53).

Regarding claim 6, the method according to claim 1, wherein Roberts further discloses the portable object inherently includes means for dialing manually or automatically at programmed intervals of time, the telephone number of the dedicated server, which is inherently

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stored in storage means of the portable object, in order to establish the telephone link and in order to receive from the server the data signals for adjusting and/or updating its horological functions (column 5, line 41 – column 6, line 25; column 8, lines 12-23).

Regarding claim 7, the method according to claim 1, wherein Roberts further discloses the server stores several telephone numbers each corresponding to a specific portable object to establish at determined intervals of time telephone links with each portable object and to adjust and update individually the horological functions of each portable object (column 6, lines 26-43; column 7, lines 29-54; column 8, lines 12-23).

Regarding claim 10, the method according to claim 1, wherein Roberts further discloses information message signals as to events or things happening, e.g. timestamp for daylight savings time, are transmitted from the server to the portable object as a function of the detected geographical location, e.g. time zone, of the portable object in the mobile telephone network, said messages inherently being displayed on a display device of the portable object (column 8, line 37 – column 9, line 24).

Regarding claim 11, the method according to claim 1, wherein Roberts further discloses time zone or display mode selection data signals are transmitted from the server to the portable object for updating a module for adjusting the time zones or a time display mode selection module to choose whether to display the time in 12 h or 24 h mode (column 8, line 24 – column 9, line 24).

Regarding claim 12, the method according to claim 1, wherein Roberts further discloses message or information signals are transmitted from the server to the portable object, which includes a display device for reading the messages, in order to provide it with information as to

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the state of its horological functions on the basis of adjustments and/or updates made to said horological functions over time (column 8, lines 37-53).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,223,050 by Roberts in view U.S. Patent No. 6,229,990 by Toshida.

Regarding claim 8, the method according to claim 1, wherein Roberts does not disclose during the established telephone link, data signals of a selected number of melodies are transmitted from the server to the portable object at the request of the person carrying the portable object to update a melody generating module of the object.

Toshida discloses a radio apparatus that is capable of downloading music data, wherein a user calls a download site. Music information is transmitted from the download site and displayed on the display of the radio apparatus. The user selects the downloaded music and the downloading of the music data is started (see Abstract; column 4, lines 18-30). The music that is downloaded is updated in the recorded medium (column 6, lines 35-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Roberts to disclose the portable object that includes transmission of melodies from the server to said object taught by Toshida in order for the user to update the melody. One of ordinary skill in the art would have been lead to make such a

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modification to request the service updating a melody generating module of said object, by downloading or transmitting melodies from the server to said object.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,223,050 by Roberts in view U.S. Patent No. 6,556,222 by Narayanaswami.

Regarding claim 9, the method according to claim 1, wherein Roberts further discloses, during the established telephone link (column 5, line 41 – column 6, line 25), data signals for programming the daylight savings time are transmitted from the portable object to the server to require the server to call the portable object at a determined time interval (column 8, line 54 – column 9, line 24).

Roberts does not disclose programming an alarm.

Narayanaswami discloses a wearable mobile computing device/appliance (e.g. a wrist watch) with a high resolution display that is capable of wirelessly accessing information from the network and a variety of other devices. A program to set an alarm located in the watch is used to program an alarm (see Abstract; column 7, lines 36-57; column 10, lines 7-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Roberts to disclose the portable object that includes an alarm as taught by Narayanaswami in order for the user to be able to have an alarm set according to a specific time. One of ordinary skill in the art would have been lead to make such a modification to request the service of setting an alarm on the portable object, wherein the server will call the portable object at a determined time interval to set up the alarm.

11. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,223,050 by Roberts in view U.S. Patent No. 5,960,366 by Duwaer.

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Regarding claim 13, the method according to claim 1, wherein the portable object is a remote timepiece that includes a mobile telephone that may be included within a computer or an appliance (column 7, lines 2-8); which includes storage means in which the number of the dedicated server is stored, wherein said number of the dedicated server is automatically dialed at intervals of time programmed by the user of said watch (column 5, line 41 – column 6, line 25; column 7, lines 29-54; column 8, lines 12-23).

Roberts does not disclose the portable object is a telephone-watch, in particular a wristwatch including a mobile telephone.

Duwaer discloses a wrist-watch wireless telephone that comprises two-way wireless telephone circuitry and provides multimedia operation (see Figure 2; column 1, line 43 – column 3, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Roberts to disclose the portable object as a wrist-watch wireless telephone as taught by Duwaer to include telephone communication between the watch and the mobile telephone. One of ordinary skill in the art would have been lead to make such a modification since the portable object that is a mobile device can be included in a wrist-watch.

Regarding claim 14, Roberts discloses a portable object, in particular a portable telephone-object, for implementing the method according to claim 1, wherein said object including a microprocessor with a time-keeping circuit (column 8, lines 37-53), a mobile telephone unit, means for dialing a telephone number (see Abstract; column 7, lines 2-8), and at least one display device for the time, date and/or messages (column 8, lines 37-53), wherein it inherently includes storage means in which a call number of a dedicated server providing

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horological function data signals is stored, and wherein the call number stored in the storage means is able to be dialed automatically in the mobile telephone unit at programmed time intervals to establish a telephone link with said server in order to receive signals for adjusting and/or updating the horological functions of said object (column 5, line 41 – column 6, line 25; column 7, lines 29-54; column 8, lines 12-23).

Roberts does not disclose the portable object is a telephone-watch, in particular a wristwatch including a mobile telephone.

Duwaer discloses a wrist-watch wireless telephone that comprises two-way wireless telephone circuitry and provides multimedia operation (see Figure 2; column 1, line 43 – column 3, line 4). Said telephone includes a microphone and an earpiece connected to said mobile telephone unit (column 3, line 56 – column 4, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Roberts to disclose the portable object as a wrist-watch wireless telephone as taught by Duwaer to include telephone communication between the watch and the mobile telephone. One of ordinary skill in the art would have been lead to make such a modification since the portable object that is a mobile device can be included in a wrist-watch.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 5,920,824 by Beatty et al disclose computing the local time and date of a mobile computer when a user has traveled to a time zone different from his or her home time zone

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13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh
July 16, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

